

Rule 38  
Jury Trial

(a) Demand. When a trial by jury is authorized by the constitution, statutes, or decisions of the Supreme Court, any party may demand a jury which shall be selected and impaneled as required by law and this rule. At or prior to the time the case is called to be set for trial, or at such other time as directed by the court, any party may demand a jury trial of any issue triable by a jury by serving upon the other parties a demand therefore in writing, by filing the demand with the clerk, and by paying any required jury fee not later than seven days from the date of trial setting notice issued from the Court.

(c) Waiver of Jury Trial. The failure of a party to serve a demand as required by this rule, to file it as required by this rule, and to pay the required jury fee in accordance with this rule, constitutes a waiver of trial by jury. A demand for trial by jury once made may not be withdrawn without the consent of the parties.

(d) Impaneling the Jury

(1) Voir Dire. A voir dire examination shall be conducted for the purpose of discovering any basis for challenge for cause and for the purpose of gaining knowledge to enable an intelligent exercise of peremptory challenges. The judge shall initiate the voir dire examination by identifying the parties and their respective counsel and by briefly outlining the nature of the case. The judge and the parties may then ask the prospective jurors questions regarding their qualifications to serve as jurors in the case, subject to the supervision of the court as appropriate to the facts of the case, and shall not be used by opposing counsel:

- (i) as a means of arguing or trying their case; or
- (ii) as an effort to indoctrinate, visit with or establish "rapport" with the jurors; or
- (iii) for the purpose of asking jurors what kind of verdict they might return under any circumstances.

Questions are to be asked collectively of the entire panel whenever possible.

(2) Challenges for Cause. If the court is of the opinion that grounds for challenge to a juror exist, it shall excuse that juror. Otherwise, any party may challenge the juror for cause. Challenges for cause shall be allowed as provided in RCW 4.44.150 through 4.44.190.

(3) Peremptory Challenges. The number and the manner of exercising peremptory challenges shall be as provided in RCW 4.44.130, 4.44.140, and 4.44.190.

(i) Imposition of Costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the Court. If notification is not given forty-eight hours prior to the time of trial, and in any event after the jurors have appeared for trial, the Court in its discretion may order payment of the actual cost of the jury panel by the offending party.

(j) Trial Day Conference. Attorneys for each party or any pro se party shall be present at least one-half hour before the time of trial and available to the Judge. A conference will be held with the trial judge to discuss matters which will expedite the trial. All exhibits should be marked by the Clerk prior to the start of the trial whenever possible.

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